

**RULES
OF
THE TENNESSEE BOARD OF OCCUPATIONAL AND PHYSICAL THERAPY
DIVISION OF HEALTH RELATED BOARDS**

**CHAPTER 1150-2
GENERAL RULES GOVERNING THE PRACTICE OF OCCUPATIONAL THERAPY**

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1150-2-.01 DEFINITIONS. As used in these rules, the terms and acronyms shall have the following meanings ascribed to them.

- (1) The Act - The Occupational and Physical Therapy Practice Act of 1984.
- (2) Advertising - Includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual(s), radio, video, or television broadcasting or any other means designed to secure public attention.
- (3) American Occupational Therapy Association - When the acronym AOTA appears in these rules, it is intended to mean American Occupational Therapy Association.
- (4) Applicant - Any individual seeking certification by the committee who has submitted an official application and paid the application fee.
- (5) The Board of Occupational and Physical Therapy Examiners (Board) composed of the Committee of Physical Therapy and the Committee of Occupational Therapy.
- (6) Certificate - Document issued to an applicant who successfully completes the certification process. The certificate takes the form of an "artistically designed" certificate as well as other versions bearing an expiration date.
- (7) Certified Occupational Therapist (OT) - Any person who has met the qualifications for certified occupational therapist and holds a current, unsuspended or unrevoked certificate which has been lawfully issued by the committee.
- (8) Certified Occupational Therapy Assistant (OTA) - Any person who has met the qualifications for certified occupational therapy assistant and holds a current, unsuspended or unrevoked, certificate which has been lawfully issued by the committee. Such person assists and works under the supervision of a certified occupational therapist.
- (9) Closed File - An administrative action which renders an incomplete or denied file inactive.
- (10) Committee - The Committee of Occupational Therapy.

(Rule 1150-2-.01, continued)

- (11) Committee's administrative office - The office of the administrator assigned to the committee located at First Floor, Cordell Hull Building 425 Fifth Avenue North, Nashville, TN 37247-1010.
- (12) Committee Designee - Any person who has received a written delegation of authority from the committee to perform committee functions subject to review and ratification by the full committee where provided by these rules.
- (13) Department - Tennessee Department of Health.
- (14) Division - The Division of Health Related Boards, Department of Health, from which the board receives administrative support.
- (15) Electrical Stimulation Certification - An authorization issued by the Committee when a licensed occupational therapist or occupational therapy assistant has successfully completed requirements to use a device, for which a federally required prescription is necessary, that employs transcutaneous electrical current (direct, alternating, or pulsatile) for the purpose of eliciting muscle contraction, alleviating pain, reducing edema, or drug delivery.
- (16) Examination Service - The testing service whose written examination has been adopted by the board.
- (17) Fee - Money, gifts, services, or anything of value offered or received as compensation in return for rendering services; also the required certification fee(s).
- (18) Good Moral Character - The quality of being well regarded in personal behavior and professional ethics.
- (19) He/she Him/her - When "he" appears in the text of these rules, the word represents both the feminine and masculine genders.
- (20) HRB - When the acronym HRB appears in the text of these rules, HRB represents Health Related Boards.
- (21) "Occupational therapy aide" - A person who assists in the practice of occupational therapy under the direct supervision of an occupational therapist or occupational therapy assistant and whose activities do not require professional or advance training in the basic anatomical, biological, psychological and social sciences involved in the practice of occupational therapy.
- (22) Person - Any individual, firm, corporation, partnership, organization, or body politic.
- (23) Practice of occupational therapy - The use of purposeful activity to treat disabled individuals enabling them to lead independent, productive and satisfying lives.
- (24) Recognized educational program - an educational program in occupational therapy approved by the committee of occupational therapy and accredited by the Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the American Occupational Therapy Association; or alternatively, as the case may be, an educational program for occupational therapy assistants approved by the committee of occupational therapy and the American Occupational Therapy Association.
- (25) Registrant - Any person who has been lawfully issued a certificate.

(Rule 1150-2-.01, continued)

- (26) Relative - a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household.
- (27) Supervision is defined as the following:
 - (a) Close: Daily direct contact at the site of treatment.
 - (b) Routine: Direct contact at least every two (2) weeks at the site of treatment, with interim supervision occurring by other methods such as telephone or written communication.
 - (c) General: At least monthly direct contact with supervision available as needed by other methods.
 - (d) Minimal: Provided only on a need basis, and may be less than monthly.
 - (e) Continuous: Within sight of the individual being supervised.
- (28) Thermal Agents Certification - An authorization issued by the Committee when a licensed occupational therapist or occupational therapy assistant has successfully completed requirements to use thermal agents, for which a federally required prescription is necessary, that include superficial heating agents (e.g., hot packs, paraffin), cryotherapy, and deep heating agents (e.g., ultrasound).
- (29) Use of a title or description - To hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards, or other means of professional identification.
- (30) Written evidence - Includes, but is not limited to, written verification from supervisors or other professional colleagues familiar with the applicant's work.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-13-102, 63-13-108, 63-13-202, 63-13-103, 63-13-108, 63-13-203, 63-13-206, and 63-13-207. **Administrative History:** Original rule filed November 22, 1978; effective January 8, 1979. Repeal and new rule filed March 15, 1996; effective May 29, 1996. Amendment filed September 11, 1998; effective November 25, 1998. Amendment filed July 31, 2000; effective October 14, 2000. Amendment filed July 29, 2002; effective October 12, 2002.

1150-2-.02 SCOPE OF PRACTICE.

- (1) The certification to practice as an Occupational Therapist or an Occupational Therapy Assistant is prescribed and limited by the Tennessee Code Annotated (see especially T.C.A. §63-13-102). The certificate is conferred by the Tennessee Board of Occupational and Physical Therapy Examiners for applicants who have been found to meet established standards.
- (2) "Occupational therapy" means the use of purposeful activities with individuals who are limited by physical injury or illness, psychosocial dysfunction, developmental or learning disabilities, environmental deprivation or the aging process in order to maximize independence, prevent disability and maintain health.
 - (a) The practice encompasses evaluation, treatment and consultation. Specific occupational therapy services include, but are not limited to, teaching daily living skills; developing perceptual-motor skills and prevocational and avocational abilities; designing, fabricating or applying splints or selective adaptive equipment; training in the use of upper extremity prosthetic or orthotic devices, using specifically designed crafts to enhance functional performance; administering and interpreting tests such as manual muscle and range of motion; and adapting environments for persons with disabilities.

(Rule 1150-2-.02, continued)

- (b) These services may be provided individually, in groups or through social systems.
 - (c) The inclusion of “designed crafts and therapeutic activities” in this section shall not prohibit their use by practitioners of therapeutic recreation;
- (3) Universal Precautions for the Prevention of HIV Transmission - The Committee adopts, as if fully set out herein, rules 1200-14-3-.01 through 1200-14-3-.03 inclusive, of the Department of Health and as they may from time to time be amended, as its rule governing the process for implementing universal precautions for the prevention of HIV transmission for health care workers under its jurisdiction.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-13-102, 63-13-104, 63-13-108, 63-13-202, and 63-13-203.
Administrative History: Original rule filed March 15, 1996; effective May 29, 1996. Amendment filed March 21, 1996; effective June 4, 1996. Amendment filed February 13, 2002; effective April 29, 2002.

1150-2-.03 NECESSITY OF CERTIFICATION.

- (1) It is unlawful for any person who is not certified in the manner prescribed in Title 63, Chapter 13 of The Tennessee Code Annotated to represent himself as an occupational therapist or occupational therapy assistant or to hold himself out to the public as being certified by using a title on signs, mailboxes, address plates, stationery, announcements, telephone listings, calling cards, or other instruments of professional identification.
- (2) Occupational therapy is one of the healing arts and as such the practice is restricted to those persons credentialed by this committee. Persons engaging in the practice of occupational therapy without being credentialed or expressly exempted by the laws are in violation of division law, T.C.A. §63-1-123.
- (3) No person shall hold himself out to the public by a title or description of services incorporating the words “occupational therapist” or “occupational therapy assistant”, nor shall state or imply that he is certified unless such person is certified or expressly exempted pursuant to T.C.A. §§63-13-201, et seq. The provisions of these rules do not apply to a person if that person is preparing for the practice of occupational therapy under a qualified supervisor in a training institution approved by the committee of occupational therapy.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-123, 63-13-102, 63-13-103, 63-13-104, 63-13-202, 63-13-204, 63-13-209, and 63-13-210. **Administrative History:** Original rule filed March 15, 1996; effective May 29, 1996.

1150-2-.04 QUALIFICATIONS FOR CERTIFICATION.

- (1) To be eligible for certification as an occupational therapist, an applicant must meet all of the following qualifications:
 - (a) Be of good moral character;
 - (b) Have successfully completed the academic requirements of an educational program in occupational therapy approved by the committee of occupational therapy and accredited by the Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the American Occupational Therapy Association;
 - (c) Have successfully completed at least 6 months of supervised fieldwork experience undertaken in conjunction with the educational program required by subparagraph (b) above or, alternatively, undertaken in conjunction with the American Occupational Therapy Association; and

(Rule 1150-2-.04, continued)

- (d) Pass the Occupational Therapy Registration Examination administered by the American Occupational Therapy Certification Board, or be entitled to certification as provided in T.C.A. §63-13-211.
- (2) To be eligible for certification as a occupational therapy assistant, an applicant must:
 - (a) Be of good moral character; and
 - (b) Have successfully completed the academic requirements of an educational program for occupational therapist assistants approved by the committee of occupational therapy and the American Occupational Therapy Association;
 - (c) Have successfully completed at least 2 months of supervised field work experience undertaken in conjunction with the educational program required by subparagraph (b) above or, alternatively, undertaken in conjunction with the American Occupational Therapy Association; and
 - (d) Pass the Occupational Therapy Registration Examination administered by the American Occupational Therapy Certification Board.
- (3) Certification in the use of physical agent modalities
 - (a) Electrical stimulation certification - To be eligible for certification in electrical stimulation, an applicant must:
 - 1. Meet all qualifications in paragraph (1) or (2) of this rule and all applicable procedures in rule 1150-2-.05; and
 - 2. Submit documentation of current certification from the American Society of Hand Therapists; or
 - 3. Successfully complete Committee-approved training that shall consist of a total of twenty-five (25) contact hours of didactic and laboratory experiences which include five (5) treatments on clinical patients to be supervised by licensees who hold certification pursuant to subparagraph (a) or by a physical therapist currently licensed in the United States. The treatments shall be from the following categories, and at least one (1) treatment shall be from each category:
 - (i) Neuromuscular electrical stimulation
 - (ii) Electrical stimulation for pain control
 - (iii) Edema reduction
 - (iv) Iontophoresis
 - (b) Thermal agents certification - To be eligible for certification in the use of thermal agents, an applicant must:
 - 1. Meet all qualifications in paragraph (1) or (2) of this rule and all applicable procedures in rule 1150-2-.05; and

(Rule 1150-2-.04, continued)

2. Submit documentation of current certification from the American Society of Hand Therapists; or
 3. Successfully complete Committee-approved training that shall consist of a total of twenty (20) contact hours of didactic and laboratory experiences which include ten (10) treatments on clinical patients to be supervised by licensees who hold certification pursuant to subparagraph (b) or by a physical therapist currently licensed in the United States. Five (5) of the ten (10) treatments shall utilize ultrasound. The treatments shall be from the following categories, and at least one (1) treatment shall be from each category:
 - (i) Superficial heating agents
 - (ii) Cryotherapy
 - (iii) Deep heating agents
- (c) Training
1. Approval of all training courses shall be made by the Committee. The required training for electrical stimulation and thermal agents certification may be obtained through:
 - (i) Colleges and universities approved for training occupational therapists and occupational therapy assistants by the American Occupational Therapy Association, or physical therapists and physical therapy assistants by the American Physical Therapy Association, or at clinical facilities affiliated with such accredited colleges or universities; or
 - (ii) The American Society of Hand Therapists; or
 - (iii) Any approved provider offering a Committee-approved course.
 2. The training for the therapeutic use of electrical stimulation devices shall provide competency in the following areas:
 - (i) Standards
 - (I) The expected outcome or treatments with therapeutic electrical current (TEC) must be consistent with the goals of treatment.
 - (II) Treatment of TEC must be safe, administered to the correct area, and be of proper dosage.
 - (ii) Correct dosage and mode
 - (I) Ability to determine the duration and mode of current appropriate to the patient's neurophysiological status while understanding Ohm's law of electricity, physical laws related to the passage of current through various media, as well as impedance.
 - (II) Ability to describe normal electrophysiology of nerve and muscle; understanding generation of bioelectrical signals in nerve and muscle; recruitment of motor units in normal muscle and in response to a variety of external stimuli.

(Rule 1150-2-.04, continued)

- (III) Ability to describe normal and abnormal tissue responses to external electrical stimuli while understanding the differing responses to varieties of current duration, frequency and intensity of stimulation.
 - (iii) Selection of method and equipment
 - (I) Ability to identify equipment with the capability of producing the pre-selected duration and mode.
 - (II) Ability to describe characteristics of electrotherapeutic equipment and understanding of the therapeutic value of different electrotherapeutic equipment.
 - (III) Ability to describe safety regulations governing the use of electrotherapeutic equipment.
 - (IV) Ability to describe principles of electrical currents.
 - (V) Ability to describe requirements/idiosyncrasies of body areas and pathological conditions with respect to electrotherapeutic treatment.
 - (iv) Preparation of treatment
 - (I) Ability to prepare the patient for treatment through positioning and adequate instructions
 - (II) Ability to explain to the patient the benefits expected of the electrotherapeutic treatment.
 - (v) Treatment administration
 - (I) Ability to correctly operate equipment and appropriately adjust the intensity and current while understanding rate of stimulator, identification of motor points, and physiological effects desired.
 - (II) Ability to adjust the intensity and rate to achieve the optimal response, based on the pertinent evaluative data.
 - (vi) Documentation of treatments - Ability to document treatment including immediate and long-term effects of therapeutic electrical current.
- 3. The training for the therapeutic use of thermal agents shall provide competency in the following areas:
 - (i) Standards
 - (I) The expected outcome or treatments with thermal agents must be consistent with the goals of treatment.
 - (II) Treatment with thermal agents must be safe, administered to the correct area, and be the proper dosage.
 - (III) Treatment with thermal agents be adequately documented.

(Rule 1150-2-.04, continued)

- (ii) Instrumentation
 - (I) Ability to describe the physiological effects of thermal agents as well as differentiate tissue responses to the various modes of application.
 - (II) Ability to select the appropriate thermal agent considering the area and conditions being treated.
 - (III) Ability to describe equipment characteristics, indications, and contraindications for treatment, including identifying source and mechanisms of generation of thermal energy and its transmission through air and physical matter.
 - (iii) Preparation for treatment
 - (I) Ability to prepare the patient for treatment through positioning and adequate instruction.
 - (II) Ability to explain to the patient the benefits expected of the thermal treatment.
 - (iv) Determination of dosage - Ability to determine dosage through determination of target tissue depth, stage of the condition (acute vs. chronic), and application of power/dosage calculation rules as appropriate.
 - (v) Treatment administration - Ability to administer treatment through identification of controls, sequence of operation, correct application techniques and application of all safety rules and precautions.
 - (vi) Documentation of treatments - Ability to document treatment including immediate and long-term effects of thermal agents.
- (4) In determining the qualifications of applicants for certification as an occupational therapist or as an occupational therapy assistant, only a majority vote of the committee of occupational therapy shall be required.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-13-102, 63-13-103, 63-13-108, 63-13-202, 63-13-203, and 63-13-206.

Administrative History: Original rule filed March 15, 1996; effective May 29, 1996. Amendment filed July 31, 2000; effective October 14, 2000.

1150-2-.05 PROCEDURES FOR CERTIFICATION. To become certified as a occupational therapist or occupational therapy assistant in Tennessee, a person must comply with the following procedures and requirements.

- (1) Occupational Therapist and Occupational Therapy Assistant by Examination.
 - (a) An application packet shall be requested from the Committee's administrative office.
 - (b) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all documentation and fees required by the form and these rules to the Committee's administrative office. It is the intent of these rules that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.

(Rule 1150-2-.05, continued)

- (c) Applications will be accepted throughout the year and completed files will ordinarily be processed at the next Committee meeting scheduled for the purpose of reviewing files.
- (d) An applicant shall pay the nonrefundable application fee and state regulatory fee as provided in rule 1150-2-.06 when submitting the application.
- (e) An applicant shall submit with his application a signed and notarized passport photograph taken within the preceding 12 months (the photo is to be signed by applicant and the notary seal must be stamped on the back of the photograph).
- (f) It is the applicant's responsibility to request that a graduate transcript from his degree granting institution, pursuant to T.C.A. §63-13-202, be submitted directly from the school to the Committee's administrative office. The institution granting the degree must be accredited by the AOTA at the time the degree was granted. The transcript must show that the degree has been conferred and carry the official seal of the institution and reference the name under which the applicant has applied for certification.
- (g) An applicant shall submit an original letter of recommendation attesting to the applicant's good moral character. The letter cannot be from a relative.
- (h) Examination Verification
 - 1. It is the responsibility of the applicant to request a copy of his certification examination results from the Occupational Therapy Registration Examination be sent directly to the Committee's administrative office.
 - 2. For examinations taken prior to January, 1985, the applicant shall request the American Occupational Therapy Certification Board send a verification to the Committee of Occupational Therapy. For an examination taken in January, 1985, or later, the applicant shall request that Professional Exam Service send verification of certification to the Committee of Occupational Therapy.
- (i) Physical agent modality certification
 - 1. If an applicant is seeking certification in the use of physical agent modalities, as provided in paragraph (3) of rule 1150-2-.04, the applicant shall cause to have proof of successful training completion be submitted directly from the training provider to the Committee's administrative office.
 - 2. Current licensees who are presently using physical agent modalities may continue to do so for eighteen (18) months from the effective date of these rule amendments. After that date certification shall be required.
- (j) When necessary, all required documents shall be translated into English. Both translation and original document, certified as to authenticity by the issuing source must be submitted.
- (k) Personal resumes are not acceptable and will not be reviewed.
- (l) Application review and licensure decisions shall be governed by Rule 1150-2-07.
- (m) The burden is on the applicant to prove by a preponderance of the evidence that his course work and supervised field work experience are equivalent to the board's requirements.

(Rule 1150-2-.05, continued)

- (n) The initial certificate fee must be received in the Committee's administrative office on or before the 30th day from receipt of notification that the fee is due. Failure to comply will result in the application file being closed.
 - (o) A certificate will be issued after all requirements, including payment of an initial certificate fee pursuant to Rule 1150-2-.06, have been met.
- (2) Occupational Therapist and Occupational Therapy Assistant by Reciprocity
 - (a) An application packet shall be requested from the Committee's administrative office.
 - (b) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all documentation and fees required by the form and these rules to the Committee's administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
 - (c) An applicant shall submit with his application a signed and notarized passport photograph taken within the preceding 12 months (the photo is to be signed by the applicant and the notary seal must be stamped on the back of the photograph).
 - (d) An applicant shall pay the non-refundable application fee, and state regulatory fee as provided in rule 1150-2-.06 when submitting the application.
 - (e) Applications will be accepted throughout the year and completed files will ordinarily be processed at the next committee meeting scheduled for the purpose of reviewing files.
 - (f) It is the applicant's responsibility to request that a graduate transcript from his degree granting institution, pursuant to T.C.A. §63-13-202, be submitted directly from the school to the committee's administrative office. The institution granting the degree must be accredited by the AOTA at the time the degree was granted. The transcript must show that the degree has been conferred and carry the official seal of the institution and reference the name under which the applicant has applied for licensure.
 - (g) It is the applicant's responsibility to request verification of licensure status be submitted directly to the Committee's administrative office from all states in which the applicant is or has ever been licensed.
 - (h) Examination Verification
 - 1. It is the responsibility of the applicant to request a copy of his certification examination results from the Occupational Therapy Registration Examination be directly sent to the committee's administrative office.
 - 2. For examinations taken prior to January, 1985, the applicant shall request the American Occupational Therapy Certification Board send a verification of certificate to the Committee of Occupational Therapy.
 - 3. For examinations taken in January, 1985, or later, the applicant shall request Professional Exam Service, send a verification of certificate to the Committee of Occupational Therapy.
 - (i) Physical agent modality certification

(Rule 1150-2-.05, continued)

1. If an applicant is seeking certification in the use of physical agent modalities, as provided in paragraph (3) of rule 1150-2-.04, the applicant shall cause to have proof of successful training completion be submitted directly from the training provider to the Committee's administrative office.
 2. Current licensees who are presently using physical agent modalities may continue to do so for eighteen (18) months from the effective date of these rule amendments. After that date certification shall be required.
- (j) When necessary, all required documents shall be translated into English. Both translation and the original document, certified as to authenticity by the issuing source, must be submitted.
- (k) Personal resumes are not acceptable and will not be reviewed.
- (l) Application review and licensure decisions shall be governed by Rule 1150-2-.07.
- (m) The burden is on the applicant to prove by a preponderance of the evidence that his course work, and experiential qualifications are equivalent to the board's requirements.
- (n) The initial certificate fee must be received in the Committee's administrative office on or before the 30th day from receipt of notification that the fee is due. Failure to comply will result in the application file being closed.
- (o) A certificate will be issued after all requirements, including payment of an initial certificate fee pursuant to Rule 1150-2-.06, have been met.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-13-102, 63-13-103, 63-13-108, 63-13-202, 63-13-203, and 63-13-206.

Administrative History: Original rule filed March 15, 1996; effective May 29, 1996. Amendment filed July 31, 2000; effective October 14, 2000.

1150-2-.06 FEES.

- (1) The fees are as follows:
- (a) Application fee - A nonrefundable fee to be paid by all applicants including those seeking licensure by reciprocity. It must be paid each time an application for licensure is filed.
 - (b) Endorsement/Verification - A fee paid whenever an individual requests the committee endorse him to another state or whenever a request is made to verify a certificate.
 - (c) Late Renewal Fee - A nonrefundable fee to be paid when an individual fails to timely renew a certificate.
 - (d) Limited Permit - A nonrefundable fee to be paid each time an individual requests a limited permit.
 - (e) Initial Certificate Fee - To be paid prior to the issuance of the "artistically designed" certificate.
 - (f) Renewal fee - To be paid by all certificate holders. This fee also applies to individuals who reactivate a retired or lapsed certificate.
 - (g) Duplicate Certificate Fee - To be paid when an individual requests a replacement for a lost or destroyed "artistically designed" certificate.

(Rule 1150-2-.06, continued)

- (h) State Regulatory Fee - To be paid by all individuals at the time of application and with all renewal applications.
- (i) Registration fee - A one time fee to be paid by initial certificate holders for issuance of a certificate of registration from the Division.
- (2) All fees shall be established, reviewed and changed by the Committee, as appropriate.
- (3) All fees must be submitted to the Committee's administrative office by certified or personal check or money order. Checks or money orders are to be made payable to the Board of Occupational and Physical Therapy.
- (4) Fee Schedule:

	OT	OTA
(a) Application	\$ 50.00	\$ 30.00
(b) Duplicate Certificate	\$ 25.00	\$ 25.00
(c) Endorsement/Verification	\$ 25.00	\$ 25.00
(d) Late Renewal Fee	\$ 15.00	\$ 15.00
(e) Limited Permit	\$ 25.00	\$ 25.00
(f) Renewal (biennial)	\$110.00	\$ 80.00
(g) Registration	\$ 75.00	\$ 60.00
(h) State Regulatory Fee (biennial)	\$ 10.00	\$ 10.00
(i) Certificate Fee	\$ 75.00	\$ 60.00

Authority: T.C.A. §§4-3-1011, 4-5-102, 4-5-204, 63-1-106, 63-1-107, 63-1-118, 63-13-104, 63-13-108, 63-13-202, 63-13-203, 63-13-204, 63-13-205, and 63-13-211. **Administrative History:** Original rule filed March 15, 1996; effective May 29, 1996. Amendment filed April 17, 2003; effective July 1, 2003.

1150-2-.07 APPLICATION REVIEW, APPROVAL AND DENIAL.

- (1) An application packet shall be requested from the Committee's administrative office.
- (2) Applications for certification will be accepted throughout the year and completed files will be ordinarily processed at the next committee meeting scheduled for the purpose of reviewing files.
- (3) Initial review of all applications to determine whether or not the application file is complete may be delegated to the Committee's administrator, provided that final approval of all applications is made and ratified by the Committee. In no event may an application be approved or denied without prior review by a member of the Committee.
- (4) If an application is incomplete when received in the Committee's administrative office, a deficiency letter will be sent to the applicant, within 10 working days, notifying him of the deficiency.
- (5) If a completed application has been denied and ratified as such by the committee, the action shall become final and the following shall occur.

(Rule 1150-2-.07, continued)

- (a) A notification of the denial shall be sent by the committee's administrative office by certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure or other matters judged insufficient for certification and such notification shall contain all the specific statutory or rule authorities for the denial.
 - (b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.) to contest the denial and the procedure necessary to accomplish that action.
 - (c) An applicant has a right to a contested case hearing only if the certification denial was based on subjective or discretionary criteria.
 - (d) An applicant may be granted a contested case hearing if certificate denial is based on objective, clearly defined criteria only if after review and attempted resolution by the committee's administrative staff, the application can not be approved and the reasons for continued denial present a genuine issue of fact and/or law which is appropriate for appeal. Such request must be made in writing within 30 days of the receipt of the notice of denial.
- (6) If the committee finds it has erred in the issuance of a certificate, the committee will give written notice by certified mail of its intent to annul the certificate. The notice will allow the applicant the opportunity to meet the requirements of certification within 30 days from date of receipt of the notification.
- (7) Whenever requirements for certification are not completed within 12 months from the date of the initial review of application and credentials, written notification will be mailed to the applicant and the application file will be closed. An applicant whose file has been closed shall subsequently be considered for certification only upon the filing of a new application and payment of all appropriate fees.
- (8) Abandonment of Application
- (a) An application shall be deemed abandoned and closed if
 1. The application has not been completed by the applicant within 12 months after it was initially reviewed by the committee; or
 2. The applicant fails to sit for the written exam within 12 months after being notified of eligibility.
 - (b) Whenever the applicant fails to complete the application process as stated in (1) or (2) above, written notification will be mailed to the applicant notifying him that the file has been closed. The determination of abandonment must be ratified by the Board.
 - (c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.
- (9) If an applicant requests an entrance for certification and, after committee review, wishes to change that application to a different type of entrance, a new application with supporting documents and an additional application fee must be submitted, i.e., reciprocity to examination.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-13-104, 63-13-202, 63-13-204, 63-13-207, and 63-13-210.
Administrative History: Original rule filed March 15, 1996; effective May 29, 1996.

1150-2-.08 EXAMINATIONS. In addition to having filed an application, an individual seeking certification shall be required to pass an examination.

- (1) Occupational Therapist examination adopted by the Committee:
 - (a) The examination shall be the Occupational Therapy Registration Examination or its successor exam administered by the American Occupational Therapy Certification Board. The committee adopts the passing scores as set by the American Occupational Therapy Certification Board. Examination scores are provided automatically, directly to the candidate by the American Occupational Therapy Certification Board.
 - (b) Examinations taken prior to January, 1985 - The applicant shall request the American Occupational Therapy Certification Board send a verification of certificate to the Committee of Occupational Therapy.
 - (c) Examinations taken in January, 1985, or later - The applicant shall request that Professional Exam Service send verification of certificate to the Committee of Occupational Therapy.
- (2) Occupational Therapy Assistant Examination adopted by the Committee:
 - (a) The examination shall be the Occupational Therapy Registration Examination or its successor examination administered by the American Occupational Therapy Certification Board. The committee adopts the passing scores as set by the American Occupational Therapy Certification Board. Examination scores are provided automatically, directly to the candidate by the American Occupational Therapy Certification Board.
 - (b) Examinations taken prior to January, 1985 - The applicant shall request the American Occupational Therapy Certification Board send a verification of certificate to the Committee of Occupational Therapy.
 - (c) Examinations taken in January, 1985, or later - The application shall request that Professional Exam Service send verification of certificate to the Committee of Occupational Therapy.

Authority: T.C.A. §§4-5-202; 4-5-204; 63-13-104; 63-13-202, and 63-13-203. **Administrative History:** Original rule filed March 15, 1996; effective May 29, 1996.

1150-2-.09 RENEWAL OF CERTIFICATE.

- (1) Renewal Application
 - (a) The due date for certificate renewal is the expiration date indicated on the certificate holder's certificate.
 - (b) Methods of Renewal
 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org
 2. Paper Renewals - For individuals who have not renewed their certificate online via the Internet, a renewal application form will be mailed to each individual certified by the Committee to the last address provided to the Committee. Failure to receive such notification does not relieve the certificate holder from the responsibility of meeting all requirements for renewal.

(Rule 1150-2-.09, continued)

- (c) A certificate issued pursuant to these rules is renewable by the expiration date indicated on the certificate. To be eligible for renewal, an individual must submit to the Division of Health Related Boards on or before the expiration date all of the following:
 - 1. A completed and signed board renewal application form; and
 - 2. The renewal and State regulatory fees as provided in Rule 1150-2-.06.
 - (d) Certificate holders who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their certificates processed pursuant to rule 1200-10-1-.10.
 - (e) Anyone submitting a signed renewal form or letter which is found to be untrue may be subjecting himself to disciplinary action as provided in Rule 1150-2-.15.
- (2) Reinstatement of Expired Certificate
- (a) Reinstatement of an expired certificate may be accomplished upon meeting the following conditions:
 - 1. Payment of all past due renewal and State regulatory fees;
 - 2. Payment of the late renewal fee provided in Rule 1150-2-.06;
 - (b) Anyone submitting a signed reinstatement application which is found to be untrue may be subjecting himself to disciplinary action as provided in Rule 1150-2-.15.
- (3) Renewal issuance decisions pursuant to this rule may be made administratively or upon review by any Committee member or the Committee's designee.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-13-104, 63-13-108, 63-13-204, 63-13-207, 63-13-209, 63-13-210, and 63-13-213. **Administrative History:** Original rule filed March 15, 1996; effective May 29, 1996. Amendment filed July 29, 2002; effective October 12, 2002.

1150-2-.10 SUPERVISION. The committee adopts, as if fully set out herein, and as it may from time to time be amended, the current "Guide for Supervision of Occupational Therapy Personnel in the Delivery of Occupational Therapy Services" issued by the American Occupational Therapy Association. Information to acquire a copy may be obtained by contacting either of the following:

American Occupational Therapy Association
4720 Montgomery Lane
Bethesda, MD 20824-1220
Telephone: (301) 652-2682
T.D.D.: (800) 377-8555
Fax: (301) 652-7711
Fax On Request: (800) 701-7735 (for a specific document)
Internet: www.aota.org

Tennessee Board of Occupational and Physical Therapy Examiners
Committee of Occupational Therapy
First Floor, Cordell Hull Building
425 Fifth Avenue North
Nashville, TN 37247-1010
Telephone: (615) 532-3202 ext. 25135

(Rule 1150-2-.10, continued)

Telephone: (888) 310-4650 ext. 25135

Fax: (615) 532-5164

Internet: www.state.tn.us/health

- (1) Supervision of an Occupational Therapist on a limited permit shall include initial and periodic inspection of written evaluations, written treatment plans, patient notes and periodic evaluation of performance. The supervision must be conducted in person by a licensed occupational therapist and shall be as follows:
 - (a) Routine supervision with direct contact every 2 weeks at the site of treatment, with interim supervision occurring by other methods such as the telephone, conferences, written communication, and E-mail.
 - (b) Supervision must include observation of the individual treatment under a limited permit in order to assure service competency in carrying out evaluation, treatment planning and treatment implementation.
 - (c) The frequency of the face to face collaboration between the person treating under a limited permit and the supervising therapist should exceed direct contact every 2 weeks if the condition of the patient/client, complexity of treatment, evaluation procedures, and proficiencies of the person practicing under the limited permit warrants it.
 - (d) Appropriate records must be maintained to document compliance.
 - (e) A co-signature by supervising Occupational Therapist is required on evaluations, treatment plans, and discharge summaries.
- (2) Supervision of an Occupational Therapy Assistant on a limited permit means initial directions and periodic inspection of the service delivery and provisions of relevant in-service training. The supervising licensed occupational therapist shall determine the frequency and nature of the supervision to be provided based on the client's or patient's required level of care and the OTA's caseload, experience and competency. Supervision of an Occupational Therapy Assistant on a limited permit shall include initial and periodic inspection of patient notes and periodic evaluation of performance. The supervision must be conducted in person by a licensed occupational therapist and shall be as follows:
 - (a) The Occupational Therapist shall be responsible for the evaluation of the patient and development of the patient/client treatment plan. The Occupational Therapy Assistant on a limited permit may contribute information from observations and standardized test procedures to the evaluation and the treatment plans.
 - (b) The Occupational Therapy Assistant can implement and coordinate intervention plan under supervision of a licensed Occupational Therapist.
 - (c) The Occupational Therapy Assistant can provide direct services that follow a documented routine and accepted procedure under the supervision of the licensed Occupational Therapist.
 - (d) The Occupational Therapy Assistant can adapt activities, media, environment according to needs of patient/client under supervision of the licensed Occupational Therapist.
 - (e) Documentation provided by the Occupational Therapy Assistant while on a limited permit must be co-signed by a licensed Occupational Therapist.

(Rule 1150-2-.10, continued)

- (3) Supervision of an Occupational Therapy Assistant with permanent licensure means initial directions and periodic inspection of the service delivery and provisions of relevant in-service training. The supervising licensed occupational therapist shall determine the frequency and nature of the supervision to be provided based on the client's or patient's required level of care and the OTA's caseload, experience and competency. Supervision of an Occupational Therapy Assistant with permanent licensure shall be as follows:
 - (a) The frequency of the face to face collaboration between the Occupational Therapy Assistant and the supervising Occupational Therapist should exceed direct contact of once a month if the condition of the patient/client, complexity of treatment, evaluation procedures, and proficiencies of the person practicing warrants it.
 - (b) The Occupational Therapist shall be responsible for the evaluation of the patient and the development of the patient/client treatment plan. The Occupational Therapy Assistant may contribute information from observations and standardized test procedures to the evaluation and the treatment plans.
 - (c) The Occupational Therapy Assistant can implement and coordinate intervention plan under the supervision of the licensed Occupational Therapist.
 - (d) The Occupational Therapy Assistant can provide direct services that follow a documented routine and accepted procedure under the supervision of the Occupational Therapist.
 - (e) The Occupational Therapy Assistant can adapt activities, media, environment according to the needs to the patient/client, under the supervision of the licensed Occupational Therapist.
 - (f) Appropriate records must be maintained to document compliance.
- (4) Supervision of an Occupational Therapy Aide/Tech shall be as follows:
 - (a) There shall be close supervision with daily, direct contact at site of treatment, which demands physical presence of a licensed Occupational Therapist or Occupational Therapy Assistant, whenever the Aide/Tech assists in the practice of Occupational Therapy.
 - (b) There shall be personal instruction, observation and evaluation by the licensed Occupational Therapist or licensed Occupational Therapy Assistant.
 - (c) There shall be specific delineation of tasks and responsibilities by the licensed Occupational Therapist or licensed Occupational Therapy Assistant who is responsible for reviewing and interpreting the results of care. The licensed Occupational Therapist or licensed Occupational Therapy Assistant must ensure that the Aide/Tech does not perform duties for which he is not trained.
 1. A licensed occupational therapy practitioner may delegate to unlicensed personnel, including but not limited to Aides/Techs, specific routine tasks associated with nontreatment aspects of occupational therapy services which are neither evaluative, assersive, task selective, or recommending in nature, nor which require decision-making or making occupational therapy entries in official patent records, if the following conditions are met:
 - (i) The occupational therapy practitioner accepts professional responsibility for the performance of that duty by the personnel to whom it is delegated. In the case of duties delegated by a OTA, both the OTA and the OT who supervises the technician will be responsible; and

(Rule 1150-2-.10, continued)

- (ii) The unlicensed personnel do not perform any duties which require licensure under this act; and
 - (iii) The occupational therapy practitioner ensures that the unlicensed personnel have been appropriately trained for the performance of the tasks.
 - 2. Tasks which may be delegated may include:
 - (i) Transporting of patients;
 - (ii) Preparing or setting up a work area or equipment;
 - (iii) Routine department maintenance or housekeeping activities;
 - (iv) Taking care of patients' personal needs during treatments; and
 - (v) Clerical, secretarial or administrative duties.
 - (d) Appropriate records must be maintained to document compliance. The licensed Occupational Therapist or licensed Occupational Therapy Assistant must countersign all Aide/Tech documentation.
 - (e) Intensity of supervision is determined by nature of task to be performed, the needs of the consumer, and the capability of the Aide/Tech.
- (5) Supervision parameters
 - (a) Supervision is a collaborative process that requires both the licensed occupational therapist and the licensed occupational therapy assistant to share responsibility. Appropriate supervision will include consideration given to factors such as level of skill, the establishment of service competency (the ability to use the identified intervention in a safe and effective manner), experience and work setting demands, as well as the complexity and stability of the client population to be treated.
 - (b) Supervision is an interactive process that requires both the licensed occupational therapist and the licensed occupational therapy assistant or other supervisee to share responsibility for communication between the supervisor and the supervisee. The licensed occupational therapist should provide the supervision and the supervisee should seek it. An outcome of appropriate supervision is to enhance and promote quality services and the professional development of the individuals involved.
 - (c) Supervision of occupational therapy services provided by a licensed occupational therapy assistant is recommended as follows:
 - 1. Entry level occupational therapy assistants are persons working on initial skill development (less than 1 year of work experience) or who are entering new practice environments or developing new skills (one or more years. of experience) and should require close supervision.
 - 2. Intermediate level occupational therapy assistants are persons working on increased skill development, mastery of basic role functions (minimum one - three years of experience or dependent on practice environment or previous experience) and should require routine supervision.

(Rule 1150-2-.10, continued)

3. Advanced level occupational therapy assistants are persons refining specialized skills (more than 3 years work experience, or the ability to understand complex issues affecting role functions) and should require general supervision.
4. Licensed occupational therapy assistants, regardless of their years of experience, may require closer supervision by the licensed occupational therapist for interventions that are more complex or evaluative in nature and for areas in which service competencies have not been established.
5. Certain occupational therapy assistants may only require minimal supervision when performing non-clinical administrative responsibilities.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-13-102, 63-13-103, 63-13-108, 63-13-202, 63-13-203, 63-13-206, and 63-13-207. **Administrative History:** Original rule filed March 15, 1996; effective May 29, 1996. Amendment filed September 11, 1998; effective November 25, 1998. Amendment filed July 31, 2000; effective October 14, 2000.

1150-2-.11 RETIREMENT AND REACTIVATION OF CERTIFICATE.

- (1) A person who holds a current certificate and does not intend to practice as a occupational therapist or occupational therapy assistant may apply to convert an active certificate to inactive ("retired") status. An individual who holds a retired certificate will not be required to pay the renewal fee.
- (2) A person who holds an active certificate may apply for retired status in the following manner:
 - (a) Obtain from, complete, and submit to the Committee's administrative office an affidavit of retirement form; and
 - (b) Submit any documentation which may be required by the form to the Committee's administrative office.
- (3) A certificate holder whose certificate has been retired may reenter active status by doing the following:
 - (a) Submit a written request for certification reactivation to the Committee's administrative office; and
 - (b) Pay the certification renewal fees and state regulatory fee as provided in Rule 1150-2-.06. If retirement reactivation is requested prior to the expiration of one year from the date of retirement, the committee will require payment of the late renewal fee and all past due certification renewal fees.
- (4) Certification reactivation applications shall be treated as certification applications and review and decisions shall be governed by Rule 1150-2-.07.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-13-104, 63-1-111, 63-13-201, 63-13-204, and 63-13-213. **Administrative History:** Original rule filed March 15, 1996; effective May 29, 1996.

1150-2-.12 RESERVED.

1150-2-.13 RESERVED.

1150-2-.14 LIMITED PERMIT.

- (1) A limited permit is allowed only for applicants who are scheduled to sit for the initial exam who will practice in Tennessee and who are awaiting notification of approval of certification by the Committee.
- (2) A limited permit will be issued only after an applicant's file has been completed, fees paid and only to individuals who have been scheduled to take the initial examination.
- (3) Expiration
 - (a) If the applicant fails the examination, the limited permit will be effective only until eight weeks have passed after taking the examination, or until test scores are received by the Committee, whichever occurs first.
 - (b) A limited permit will become invalid upon failure of the examination.
 - (c) An applicant who fails the initial examination may submit another application for a one time renewal of a limited permit which will remain effective until eight weeks after the next examination or until test scores are received by the Committee. A fee pursuant to Rule 1150-2-.06 must be paid at the time the application for renewal of a limited permit is filed.
 - (d) If the applicant passes the examination and the results have been received by the Committee within eight weeks after taking the examination, the limited permit will remain effective until the certificate has been granted. If the applicant passes the examination and the results have not been received by the Committee within eight weeks after taking the examination, the limited permit will expire upon the expiration of such eight week period.
- (4) When the limited permit becomes invalid for any reason or expires, it must be returned to the Committee's administrative office within 10 days. Under no circumstances will an individual be issued more than one limited permit and one renewal.

Authority: T.C.A. §§4-5-202; 4-5-204; 63-13-104; 63-13-201, and 63-13-205. **Administrative History:** Original rule filed March 15, 1996; effective May 29, 1996.

1150-2-.15 DISCIPLINARY ACTIONS, CIVIL PENALTIES, AND SCREENING PANELS.

- (1) Upon a finding by the Committee that a occupational therapist or occupational therapy assistant has violated any provision of the Tennessee Code Annotated §§63-13-101, et seq. or the rules promulgated thereto, the Committee may impose any of the following actions separately or in any combination deemed appropriate to the offense:
 - (a) Advisory Censure - This is a written action issued to the occupational therapist or occupational therapy assistant for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
 - (b) Formal Censure or Reprimand - This is a written action issued to an occupational therapist or occupational therapy assistant for one time and less severe violations. It is a formal disciplinary action.
 - (c) Probation - This is a formal disciplinary action which places an occupational therapist or occupational therapy assistant on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restricts the individual's activities during the probationary period.

(Rule 1150-2-.15, continued)

- (d) Certification Suspension - This is a formal disciplinary action which suspends an individual's right to practice for a fixed period of time. It contemplates the reentry of the individual into the practice under the certification previously issued.
 - (e) Certification Revocation - This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the certification previously issued. If revoked, it relegates the violator to the status he possessed prior to application for certification. However, the Committee may, in its discretion allow the reinstatement of a revoked certificate upon conditions and after a period of time it deems appropriate. No petition for reinstatement and no new application for certification from a person whose certificate was revoked shall be considered prior to the expiration of at least one year unless otherwise stated in the Committee's revocation order.
- (2) Civil Penalties.
 - (a) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed.
 - (b) Schedule of Civil Penalties
 - 1. A Type A Civil Penalty may be imposed whenever the Board finds a person who is required to be licensed, certified, permitted or authorized by the Board, guilty of a willful and knowing violation of the Practice Act, or regulations promulgated pursuant thereto, to such an extent that there is, or is likely to be, an imminent, substantial threat to the health, safety and welfare of an individual patient or the public. For purposes of this section, willfully and knowingly practicing as an occupational therapist or occupational therapy assistant without a permit, license, certification, or other authorization from the Committee is one of the violations of the Occupational Therapy Practice Act for which a Type A Civil Penalty is assessable.
 - 2. A Type B Civil Penalty may be imposed whenever the Committee finds the person required to be licensed, certified, permitted, or authorized by the Committee is guilty of a violation of the Occupational Therapy Practice Act or regulations promulgated pursuant thereto in such a manner as to impact directly on the care of patients or the public.
 - 3. A Type C Civil Penalty may be imposed whenever the Board finds the person required to be licensed, certified, permitted, or authorized by the Board is guilty of a violation of the Occupational Therapy Practice Act or regulations promulgated pursuant thereto, which are neither directly detrimental to patients or the public, nor directly impact their care, but have only an indirect relationship to patient care or the public.
 - (c) Amount of Civil Penalties
 - 1. Type A Civil Penalties shall be assessed in the amount of not less than \$500 nor more than \$1,000.
 - 2. Type B Civil Penalties may be assessed in the amount of not less than \$100 and not more than \$500.
 - 3. Type C Civil Penalties may be assessed in the amount of not less than \$50 and not more than \$100.
 - (d) Procedures for Assessing Civil Penalties

(Rule 1150-2-.15, continued)

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
 2. Civil Penalties may also be initiated and assessed by the Committee during consideration of any Notice of Charges. In addition, the Committee may, upon good cause shown, assess a type and amount of civil penalty which was not recommended by the Division.
 3. In assessing the civil penalties pursuant to these rules the Committee may consider the following factors:
 - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (ii) The circumstances leading to the violation;
 - (iii) The severity of the violation and the risk of harm to the public; and,
 - (iv) The economic benefits gained by the violator as a result of non-compliance; and,
 - (v) The interest of the public.
 4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of Title 4, Chapter 5, Tennessee Code Annotated.
- (3) Informal Settlements - The Committee consultant is authorized to enter into informal settlement agreements pursuant to Rule 1150-2-.19 under which a complaint against an individual may be closed without any disciplinary action. Such agreement may include any terms deemed appropriate by the Committee consultant including, but not limited to:
- (a) Mandatory education program or course attendance;
 - (b) Submission of reports, records or other appropriate documentation;
 - (c) Conditioning of the individual's activities in any manner which affects his practice in Tennessee.
- (4) Screening Panels - Any screening panel(s) established pursuant to Tennessee Code Annotated § 63-1-138:
- (a) Shall have concurrent authority with the Committee members and any individual Occupational Therapist or Occupational Therapist Assistant designated by the Committee pursuant to paragraph (6) of Rule 1150-2-.19, to do the acts enumerated in paragraph (6) of Rule 1150-2-.19 subject to the conditions contained therein.
 1. A screening panel(s) comprised of two (2) or more persons shall elect a chairperson prior to convening to conduct business.
 2. A screening panel(s) comprised of two (2) or more persons is required to conduct the informal hearings authorized in subparagraph (b) immediately below.

(Rule 1150-2-.15, continued)

- (b) After completion of an investigation by the Division, may upon request of either the state, or the certificate holder who is the subject of an investigation but only with the agreement of the state, or upon agreement of both the certificate holder and the state, conduct a non-binding informal hearing and make recommendations as a result thereof as to what, if any, terms of settlement of any potential disciplinary action are appropriate.
- 1. Neither the Rules of Civil Procedure, the Rules of Evidence, nor Contested Case Procedural Rules under the Administrative Procedures Act shall apply in informal hearings before the screening panel(s). However, Rule 31 of the Rules of the Tennessee Supreme Court may serve as general guidance as to the principles of mediation and alternative dispute resolution.
 - (i) Evidence may be presented or received in any manner and in whatever order agreed upon by the parties.
 - (ii) In the absence of an agreement of the parties the screening panel chairperson shall determine the manner and order of presentation of evidence.
- 2. A certificate holder who is the subject of an investigation being considered by a screening panel cannot be compelled to participate in any informal hearing.
- 3. Proposed settlements reached as a result of any informal hearing will not become binding and final unless they are:
 - (i) Approved by a majority of the members of the screening panel which issued them; and
 - (ii) Agreed to by both the Department of Health, by and through its attorney(s), and the certificate holder; and
 - (iii) Subsequently presented to and ratified by the Committee.
- 4. The activities of the screening panels and any mediation or arbitration sessions shall not be construed as meetings of an agency for purposes of the open meetings act and shall remain confidential. The members of the screening panels, mediators and arbitrators have a deliberative privilege and the same immunity as provided by law for the boards, and are not subject to deposition or subpoena to testify regarding any matter or issue raised in any contested case, criminal prosecution or civil lawsuit which may result from or be incident to cases processed before them.

Authority: T.C.A. §§4-5-105, 4-5-202, 4-5-204, 63-13-104, 63-13-108, 63-1-134, 63-1-138, 63-13-201, 63-13-206, 63-13-207, 63-13-209, and 63-13-210. **Administrative History:** Original rule filed March 15, 1996; effective May 29, 1996. Amendment filed July 29, 2002; effective October 12, 2002.

1150-2-.16 DUPLICATE CERTIFICATE.

A certificate holder whose “artistically designed” certificate has been lost or destroyed may be issued a duplicate document upon receipt of a written request in the committee’s administrative office. Such request shall be accompanied by an affidavit (signed and notarized) stating the facts concerning the loss or destruction of the original document and the required fee pursuant to Rule 1150-2-.06.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, 63-13-104, and 63-13-201. **Administrative History:** Original rule filed March 15, 1996; effective May 29, 1996.

1150-2-.17 CHANGE OF NAME AND/OR ADDRESS.

- (1) Change of Name - An individual registered with the Committee shall notify the committee in writing within 30 days of a name change. The notice shall provide the old name and the new name and must reference the individual's profession, board and certificate number.
- (2) Change of Address - Each person holding a certificate who has had a change of address shall file in writing with the Committee his current mailing address, giving both old and new addresses. Such requests should be received in the Committee's administrative office no later than 30 days after such change is effective and must reference the individual's profession, board and certificate number.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-108, 63-13-104, and 63-13-201. **Administrative History:** Original rule filed March 15, 1996; effective May 29, 1996.

1150-2-.18 MANDATORY RELEASE OF CLIENT RECORDS.

- (1) Upon request from a client or the client's authorized representative, an individual certified by this committee shall provide a complete copy of the client's records or summary of such records which were maintained by the provider.
- (2) It shall be the provider's option as to whether copies of the records or a summary will be given to the client.
- (3) Requests for records shall be honored by the provider in a timely manner.
- (4) The individual requesting the records shall be responsible for payment of reasonable costs to the provider for copying and mailing of the records.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-2-101, 63-2-102, 63-13-104, and 63-13-201. **Administrative History:** Original rule filed March 15, 1996; effective May 29, 1996.

1150-2-.19 COMMITTEE MEETINGS, OFFICERS, CONSULTANTS, RECORDS AND DECLARATORY ORDERS.

- (1) Purpose of Committee - The Committee is charged by law with the responsibility of regulating the practice of occupational therapy.
- (2) Committee Meetings.
 - (a) The time, place, and frequency of Committee meetings shall be at the discretion of the Committee except at least one meeting shall be held annually.
 - (b) Special meetings are called at the discretion of the Chair or at the request of two members of the Committee provided all members are adequately notified.
 - (c) Three members of the Committee shall at all times constitute a quorum.
 - (d) All meetings of the Committee shall be open to the public.
 - (e) Non-committee members present at meetings may address the Committee only upon recognition by the chair.
- (3) The Committee shall elect from its members the following officers:
 - (a) Chair - who shall preside at all Committee meetings.

(Rule 1150-2-.19, continued)

- (b) Secretary - who shall preside in the absence of the chair and who along with the Committee's administrator shall be responsible for correspondence from the Committee.
- (4) Responsibilities of the Committee include, but are not limited to:
 - (a) Adopting and revising rules and regulations as may be necessary to carry out its powers and duties;
 - (b) Adopting and/or administering examinations;
 - (c) Denying, withholding, or approving the certification of an applicant and renewing certificates pursuant to rule 1150-1-.07;
 - (d) Appointing designees to assist in the performance of its duties, i.e., written examination, proctors; and
 - (e) Conducting hearings.
- (5) Committee Conflict of Interest - Any Committee member having an immediate personal, private or financial interest in any matter pending before the Committee shall disclose the fact in writing and shall not vote upon such matter.
- (6) Committee consultants are appointed by the Committee and vested with the authority to do the following acts:
 - (a) Recommend whether and what type disciplinary actions should be instituted as the result of complaints received or investigations conducted by the Division.
 - (b) Recommend whether and under what terms a complaint, case or disciplinary action might be informally settled. Any matter proposed for informal settlement must be subsequently ratified by the full Committee before it will become effective.
 - (c) Undertake any other matters authorized by a majority vote of the Committee.
- (7) Records and Complaints
 - (a) All requests, applications, notices, other communications and correspondence shall be directed to the Committee's administrative office. Any requests or inquiries requiring a Committee decision or official Committee action, except documents relating to disciplinary actions or hearing requests, must be received 14 days prior to a scheduled Committee meeting and will be retained in the administrative office and presented to the committee at the Committee meeting. Such documentation not timely received shall be set over to the next Committee meeting.
 - (b) All records of the Committee, except those made confidential by law, are open for inspection and examination, under the supervision of an employee of the Division at the Committee's administrative office.
 - (c) Copies of public records shall be provided to any person upon payment of the cost of copying.
 - (d) Complaints made against a certified practitioner become public information only upon the filing of a notice of charges.
- (8) Declaratory Orders - The Committee adopts, as if fully set out herein, rule 1200-10-1-.11, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing

(Rule 1150-2-.19, continued)

the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Committee shall be addressed by the Committee pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Committee's administrative office.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-223, 4-5-224, 63-1-117, 63-13-103, 63-13-104, and 63-13-105.

Administrative History: Original rule filed March 15, 1996; effective May 29, 1996. Amendment filed June 10, 1999; effective August 24, 1999.

1150-2-.20 CONSUMER RIGHT-TO-KNOW REQUIREMENTS.

- (1) Malpractice reporting requirements. The threshold amount below which medical malpractice judgments, awards or settlements in which payments are awarded to complaining parties need not be reported pursuant to the "Health Care Consumer Right-To-Know Act of 1998" shall be ten thousand dollars (\$10,000).
- (2) Criminal conviction reporting requirements. For purposes of the "Health Care Consumer Right-To-Know Act of 1998", the following criminal convictions must be reported:
 - (a) Conviction of any felony.
 - (b) Conviction or adjudication of guilt of any misdemeanor, regardless of its classification, in which any element of the misdemeanor involves any one or more of the following:
 1. Sex.
 2. Alcohol or drugs.
 3. Physical injury or threat of injury to any person.
 4. Abuse or neglect of any minor, spouse or the elderly.
 5. Fraud or theft.
 - (c) If any misdemeanor conviction reported under this rule is ordered expunged, a copy of the order of expungement signed by the judge must be submitted to the Department before the conviction will be expunged from any profile.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-13-104, 63-51-101, et seq., and Public Chapter 373 of the Public Acts of 1999. **Administrative History:** Original rule filed February 10, 2000; effective April 25, 2000.